

# FEDERAL DEFENDANTS' EXHIBIT D

Wagner v. U.S. Dep't of Energy  
Civil No. 08-00136-HG-KSC (D. Haw.)

**FILED**

JUL X 1 1999

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

308

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALTER L. WAGNER,

No. C99-02226 MMC

Plaintiff,

**ORDER DENYING EX PARTE MOTION  
FOR LEAVE TO FILE MOTION FOR  
RECONSIDERATION**

v.

U.S. DEPT OF ENERGY,

Defendant.

The Court is in receipt of plaintiff's June 28, 1999 ex parte motion for leave to file a motion for reconsideration pursuant to Civil Local Rule 7-9. By way of the instant motion, plaintiff seeks leave to file a motion urging the Court to reconsider its June 11, 1999 order denying issuance of a temporary restraining order in the above-captioned action. Previously, on June 17, 1999, plaintiff filed a motion for reconsideration, which the Court denied on June 22, 1999. As the Court noted in that order:

"Local Rule 7-9(b)(1) requires that a movant demonstrate a material difference in law or fact and that in the exercise of reasonable diligence the movant did not know such fact or law at the time of the order. Assuming arguendo that any of the facts to which plaintiff directs the Court's attention are "new," plaintiff fails to demonstrate the requisite reasonable diligence." (June 22, 1999 Order at 1).

This statement applies equally to plaintiff's instant motion. Accordingly, the motion is hereby DENIED.

IT IS SO ORDERED.

Dated: JUL X 1 1999

*Maxine M. Chesney*  
MAXINE M. CHESNEY  
United States District Judge

COPIES MAILED TO  
PARTIES OF RECORD

United States District Court

For the Northern District of California